

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-9 are pending and under consideration. Claims 10-17 were previously withdrawn as directed to a non-elected invention.

Rejection under 35 U.S.C. § 103

In the Office Action, at pages 2-6, numbered paragraphs 3-5, claims 1-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nishibori et al. (U.S. Patent No. 5,323,971) in view of Zeiger (Aufbereitungs Technik).

Reconsideration of these rejections is respectfully submitted. Applicants' priority documents, as referenced in the application filed February 9, 2004 and acknowledged by the Examiner in the current Office Action, establish foreign priority dates of February 19, 2003 and May 16, 2003, respectively. It is requested that the applicants be afforded benefit of their foreign priority dates of February 19, 2003 and May 16, 2003, which each antedate the publication date of Zeiger. Thus, the rejections based on Zeiger should be withdrawn, since Zeiger is not prior art to the present application. Therefore, it is submitted that claims 1-9 are in a condition suitable for allowance.

CONCLUSION

Claims 1-9 are pending and under consideration. Claims 10-17 were previously withdrawn as directed to a non-elected invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/773,465

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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